

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

STEPHEN McCULLOM, et al., §
Plaintiffs, §
§
v. § **CIVIL ACTION NO. 3:12-CV-02037**
BRAD LIVINGSTON, et al., §
Defendants. §

DEFENDANT'S OBJECTIONS TO PLAINTIFFS' NOTICE OF DEPOSITION

Comes now Defendant, The University of Texas Medical Branch, by and through its attorney of record, the Attorney General of the State of Texas, and files this its Objections to Plaintiffs' Notice of Deposition Under Rule 30(b)(6).

OBJECTIONS

1. Defendant objects that this deposition was noticed without the parties conferring about the date, place or time. Counsel for defendant UTMB has a previously scheduled vacation set for the two week time period from July 8-19, 2013, and is therefore, unavailable on the noticed dates. A copy of the deposition notice is attached as Exhibit A.
2. Defendant objects to topic number two, the medical care provided to Mr. McCollum. On February 7, 2013, plaintiffs in this case deposed Ananda D. Babbili, pursuant to a subpoena. Mr. McCollum was not examined by a UTMB health care provider while at the Hutchins State Jail. However, Mr. Babbili is the Physician's Assistant who reviewed Mr. McCollum's medications upon assignment to Hutchins. All parties to the case were represented at the deposition and given an opportunity to ask questions. Mr. Babbili's deposition would be repetitive.

3. Defendant objects to topic number five as Defendant UTMB is not in the care, custody or control of any TDCJ policies relating to inmate health and welfare.
4. Defendant objects to topic number seven, as it has no knowledge regarding staffing levels of TDCJ employees. Defendant does not object to providing testimony regarding UTMB staffing levels.
5. Defendant objects to topic number eleven, as grievances filed at TDCJ units other than Hutchins are not relevant to any material issue in this case and not likely to lead to the discovery of admissible evidence. Further, UTMB does not provide inmate medical care at all TDCJ facilities, and has no knowledge about grievances filed at non UTMB units.
6. Defendant objects to topic number thirteen as it requests information outside the scope of knowledge of UTMB. UTMB has not gathered or created information regarding the financial costs for heat related illness generally or specifically as to Mr. McCollum.
7. Defendant objects to topic number fifteen as vague.
8. Defendant objects to topic number twenty one as vague and over broad.
9. Defendant objects to topic number twenty three as it seeks an expert medical opinion. Defendant is not required to provide to plaintiffs experts on issues for which the plaintiffs have the burden of proof.
10. Defendant objects to topic number twenty four as it seeks an expert medical opinion. Defendant is not required to provide to plaintiffs experts on issues for which the plaintiffs have the burden of proof.
11. Defendant objects to topic number twenty five as it seeks an expert medical opinion. Defendant is not required to provide to plaintiffs experts on issues for which the plaintiffs have the burden of proof.

At this time, defendant UTMB does not seek a ruling on these objections as the parties are attempting to resolve the matter informally.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

DAVID C. MATTAX
Deputy Attorney General for Defense Litigation

KAREN D. MATLOCK
Assistant Attorney General
Chief, Law Enforcement Defense Division

/s/KIM COOGAN
KIM COOGAN
Assistant Attorney General
State Bar No. 00783867
P. O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 463-2080/Fax (512) 495-9139

**ATTORNEYS FOR DEFENDANT
UNIVERSITY OF TEXAS MEDICAL BRANCH**

NOTICE OF ELECTRONIC FILING

I, KIM COOGAN, Assistant Attorney General of Texas, certify that I have electronically submitted for filing **Defendant's Objections to Plaintiffs' Notice of Deposition** to the Court, on June 24, 2013 in the Northern District of Texas, Dallas Division.

/s/ KIM COOGAN
KIM COOGAN
Assistant Attorney General

CERTIFICATE OF SERVICE

I, KIM COOGAN, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendant's Objections to Plaintiffs' Notice of Deposition** has been served by placing same in the United States Mail on this the 24th day of June, 2013, addressed to:

Jeff Edwards
The Edwards Law Firm
1101 E. 11th Street
Austin, TX 78702

/s/KIM COOGAN
KIM COOGAN
Assistant Attorney General